

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
C.A. NO. 3:14-cv-00173-GCM**

LETITA MILLER,

Plaintiff,

vs.

CCS COMMERCIAL, L.L.C.,

Defendant

MOTION TO COMPEL DISCOVERY

NOW COMES the defendant, Credit Control Services, Inc. dba Credit Collection Services (misdesignated in the complaint as CCS Commercial, L.L.C. and hereinafter "CCS"), by and through its counsel of record, and pursuant to Rules 26-37 of the Federal Rules of Civil Procedure, moves the court to compel plaintiff to respond to CCS' interrogatories and requests for production of documents. CCS' motion is supported by CCS' contemporaneously filed Memorandum and its Certificate of Good Faith. In support of its motion, CCS shows unto the Court the following:

1. CCS served Plaintiff through its counsel of record with its First Set of Interrogatories, First Requests for Admissions and First Requests for Production of Documents on August 4, 2014.

2. The parties informally agreed to extend the time to respond to the interrogatories, requests for admissions and requests for production of documents through October 6, 2014.

3. On October 6, 2014, plaintiff served its responses to the requests for admissions, but did not serve responses to either the interrogatories or requests for production.

4. On October 13, 2014, CCS agreed to informally extend the time to respond to the interrogatories and requests for production of documents an additional week through and including October 20, 2014.

5. On or about October 27, 2014, in an effort to resolve any discovery disputes, CCS through counsel sent a formal letter to plaintiff's counsel as to the overdue status of plaintiff's responses to the interrogatories and requests for production of documents and requested that responses be received by October 31, 2014.

6. As of the date of this motion, no responses to the interrogatories or requests for production of documents have been forthcoming.

7. Counsel for CCS has attempted to confer with plaintiff's counsel and CCS' Certificate of Good Faith is attached hereto as **Exhibit "1"** and incorporated herein by reference.

8. The discovery sought by CCS is relevant to the subject matter involved in the pending action as it directly relates to the claims brought by Plaintiff and the defenses of CCS. The discovery sought by CCS is calculated to lead to the discovery of admissible evidence, is not unduly burdensome and not propounded for an improper purpose.

WHEREFORE, CCS prays for an Order from this Court:

1. Compelling Plaintiff to fully respond to its interrogatories and requests for production of documents and to otherwise comply with Fed. R. Civ. P. 33 and 34; and
2. Awarding CCS its attorney's fees associated with the filing of this motion.

This the 4th day of November, 2014.

/s/ Caren D. Enloe
Caren D. Enloe
of MORRIS MANNING &
MARTIN, LLP
Counsel for Defendant
N.C. State Bar No. 17394
Post Office Box 12768
Research Triangle Park, NC 27709
Telephone: (919)806-2969
cenloe@mmmlaw.com

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served this document in the above entitled action upon all other parties by depositing a copy of this document in first class mail, postage prepaid addressed as follows:

Edward H. Maginnis
Maginnis Law, PLLC
4801 Glenwood Avenue, Suite 310
Raleigh NC 27612

This the 4th day of November, 2014.

/s/ Caren D. Enloe
Caren D. Enloe
of MORRIS MANNING &
MARTIN, LLP
N.C. State Bar No. 17394
Post Office Box 12768
Research Triangle Park, NC 27709
Telephone: (919)806-2969
cenloe@mmmlaw.com